



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

REGION 10 BULLETIN NO: 07-26

SUBJECT: FY2008 Annual DBE Goal

PROGRAM AREAS: Civil Rights

DATE: June 22, 2007

We would like to thank you for your continued commitment to the Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) Program. The purpose of this letter is to remind you of your fiscal year 2008 DBE responsibilities. DOT regulations require that you have a DBE Program because you are a Federal Transit Administration (FTA) recipient receiving planning, capital and/or operating assistance that will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a Federal fiscal year. *See* 49 CFR 26.21(a)(2) and (b). You must submit your 2008 DBE goal to FTA by August 1, 2007. *Id.* § 26.45(f) (1).

This letter is also to remind you that your 2008 DBE annual goal may be affected by the case law in *Western States Paving Co. v. United States & Washington State Department of Transportation*, 407 F. 3d 983 (9th Cir. 2005), the DOT General Counsel's January 2006 approved guidance and FTA's guidance. Grantees in the impacted states should review these documents to insure that their DBE goal submissions contain the information and documentation that comports with the law established by the U.S. Court of Appeals for the Ninth Circuit and the DOT guidance¹.

Before submitting your annual DBE goal to FTA, you are required to publish a notice of your proposed goal and accept comments on the goals for 45 days from the date of the notice. *Id.* § 26.45(g) (2). Please include a copy of your published notice with your 2008 annual DBE goal. Failing to submit your FY 2008 annual DBE goal to FTA by August 1, 2007 puts you at risk of being in non-compliance with DOT DBE Regulations and the requirements of the FTA Master Agreement. FTA's actions for non-compliance may include suspension of drawdown privileges and refusing to approve grants that do not comply with the Master Agreement.

¹ Those FTA recipients located in states under the U.S. Court of Appeals for the 9th Circuit (California, Oregon, Washington, Alaska, Arizona, Idaho, Montana, Nevada and Hawaii) should review the applicable guidance published by FTA in the Federal Register Notice on "Disadvantaged Business Enterprises; Western States Guidance for Public Transportation Providers", 56 Fed. Reg. 14775, March 23, 2006 and 71 Fed. Reg. 48579, August 21, 2006.

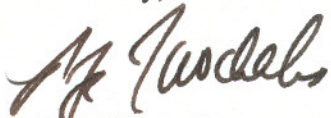
For information on how to establish your overall annual DBE goal, please refer to 49 CFR 26.45. Please ensure that your goal includes:

- (a) A description of the methodology used to establish your base figure and the evidence used for calculations;
- (b) A description of any adjustments made to the base figure and the evidence used for the adjustments; and
- (c) Race-neutral and race-conscious projections with supporting documentation.²

See 49 CFR 26.45(f)(3)

If you have any questions or concerns regarding your 2008 DBE goal, please contact Monica McCallum at 206-220-4462 or email monica.mccallum@dot.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "R.F. Krochalis", written in a cursive style.

R.F. Krochalis
Regional Administrator

² See Footnote 1